Andrew J. Goldstein (AG-1750) 100 Morris Avenue, 3rd Floor Springfield, New Jersey 07081 Telephone No. (973) 258-0500 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Lakeland Bank, a New Jersey Charter State Bank, with its principal place of business at 250 Oak Ridge Road, Oak Ridge, New Jersey 07438,

Plaintiff.

TAYLOR BABY in rem,
EDWIN RYBACKI, in personam,
RITA RYBACKI, in personam, and
MARC RYBACKI, in personam

Defendants.

Civil Action No. 07-CIV-6823

REQUEST FOR ENTRY OF DEFAULT AGAINST EDWIN AND RITA RYBACKI, IN PERSONAM

The Summons and Complaint were served upon the defendants Edwin and Rita Rybacki, by a process server on October 17, 2007. (See proof of service and letter to defendants giving further notice of action pending, annexed hereto). No extension of time has been granted or responsive pleading received. See Affidavit of Andrew J. Goldstein, Esq., annexed here and made a part hereof.

WHEREFORE, it is requested that default be hereby entered against the defendants, Edwin and Rita Rybacki, in personam, with costs and attorney fees.

12-13-07

ANDREW J. GOLDSTEIN, ESQ.

Page 1 of

Service of Process:

1:07-cv-06823-SAS Lakeland Bank v. Baby et al ECF

U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Goldstein, Andrew on 11/7/2007 at 4:47 PM EST and filed on 11/7/2007

Case Name: Lakeland Bank v. Baby et al

Case Number: 1:07-cv-6823
Filer: Lakeland Bank

Document Number: 10

Jocket Text:

AFFIDAVIT OF SERVICE. Edwin Rybacki served on 10/17/2007, answer due 11/6/2007; Rita Rybacki served on 0/17/2007, answer due 11/6/2007; Marc Rybacki served on 10/17/2007, answer due 11/6/2007. Service was accepted by Marc Rybacki. Document filed by Lakeland Bank. (Goldstein, Andrew)

1:07-cv-6823 Notice has been electronically mailed to:

Andrew James Goldstein agoldstein@goldisaac.com

:07-cv-6823 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Jocument description: Main Document

Driginal filename:n/a

Electronic document Stamp:

STAMP dcecfStamp_ID=1008691343 [Date=11/7/2007] [FileNumber=3977847-0 [92aa21fdca18f22870d503b7976d5d522fcf1f4677dd7553c809267ba7a5896230d 2ed2d43e12114ce0124104242a45b30aec48d0e474689de80d839131d6f4]]

COUNTY OF: SOUTHERN NY ATTORNEY: ANDREW J. GOLDSTEIN, ESQ.

		I ART				0070907	
	LAKELAND BANK					Petitioner(s)	AFFIDAVIT
	- against -					Plaintiff(s)	OF SERVICE
•	TAYLOR BABY, ET AL					Respondent(s) Defendant(s)	INDEX#
STATE OF: NE	W JERSEY - Co	OUNTY OF: UNION	l ss:				07 CIV 6823
deponent served	the within: SUMM	ng duly sworn depose 00PM_, at <u>2848 LINI</u> ONS AND COMPLAI mons & complaint, th	NT WARRANT FOR	NIAGH NY			
On: RITA RYBAC	:KI						the summons(es)
	ì	Defendant []Res	spondent [] Witnes	s (hereinafter calle	d the recipient) there	n named.	
INDIVIDUAL							
A [] ARREST	By personally delivering to and leaving with said <u>RITA RYBACKI</u> and that he knew the person so served to be the person mention and described in said <u>SUMMONS AND COMPLAINT</u> , <u>WARRANT FOR</u>					T, WARRANT FOR	
CORPORATION B []	By delivering to at	and leaving with					
	and that he kne	w the person so serv	ed to be the SON			of the corporat	ion.
SUITABLE AGE PERSON C [X]	a person of suit	ade in the following m true copy thereof to a table age and discretions has being the recipient	nd leaving with <u>MAH</u> on at 2848 LINDALF	STREET WANT	CH NV		
		es being the recipient				ess within the State	of New York.
AFFIXING TO DOOR, ETC. D []	the above name Deponent spoke	te copy thereof to the ual place of abode [] ed recipient on/at: e with ementioned address,	1. 09/10/2007 0	ness within the Sta 7:40PM 2.	te of New York. Depo	onent had previously 33. eponent that the sa	
MAILING TO RESIDENCE E 1 Use with C or D	and deposited s	of such delivery or aff st known residence at said envelope in an of state on 10/17/2007	ficial repository unde	JUNES STREET	r whiteas	H 170	ssed to recipient
MAILING TO BUSINESS E2 [] Use with C or D	in an official rep legend "Persona	of such delivery or aff tual place of business osltory under the excl all and Confidential ar	usive care an custoo id did not indicate or	ty of the US Postal	Service within New Y	and Ctate The	d 1
F [X]	DEPONENT ST	omey or concerned ar ATES THAT THE INC	DEX # AND FILING I	DATE WERE CLEA	RI V VISIBI E ON TL	IE SLIMMONIS	
	DESCRIPTION	OF THE RECIPIENT	OR OTHER PERSO	N SERVED OR SE	OKEN TO ON BEHA	LF OF THE RECIP	ENT IS AS:
VOID WITHOUT DESCRIPTION Use with A,B,C,D	[X] Male [] Female	[X] White Skin [] Black Skin [] Yellow Skin [] Brown Skin [] Red Skin	[X] Black Hair [] Brown Hair [] Blonde Hair [] Gray Hair [] Red Hair	[] White Hair [] Balding [] Moustache [] Beard [] Glasses	[] 14 - 20 Yrs. [] 21 - 35 Yrs. [X] 36 - 50 Yrs. [] 51 - 65 Yrs.	[] Under 5' [] 5'0" - 5'3" [] 5'4" - 5'8" [X] 5'9" - 6'0"	[] Under 100 Lbs [] 100 - 130 Lbs. [] 131 - 160 Lbs. [X] 161 - 200 Lbs.
	Other identifying	features:	() mod ridge	[] Classes	[] Over 65 Yrs.	[] Over 6'	[] Over 200 Lbs.
WITNESS FEE G []	Witness fee of \$ [] was paid (ten	0 the authorizing tra- dered) to the recipien	veling expenses and t [] was mailed to	one day's witness the witness with sub	ee: ppoena copy.		
MILITARY SERVICE [X]	capacity whatsoe	on spoken to whether ever and received a nu the grounds of my beli	egative reply. <i>Defend</i>	lant wor n civilian cle	othes and no military	or of the state of Ne uniform. The source	w York in any ∍ of my
Subscribed and S	worn to me this				l,	MALGORZA	TA SLADEK,
17	_day of <u>October</u>	, <u>2</u>	007		not having a direct	service a competer interest in the litigate	t adult tion.
Notary Signature:	JANI	100 RA SANTIAGO V	ELEZ		I declare under pe foregoing is true a	naity of perjury that	the
Name of Notary	My Com	Y PUBLIC OF NEW mission Expires April	Expiration	l	Signature of Proofs	ss Server Da	17/2007

PR

tcx

COUNTY OF: SOUTHERN NY ATTORNEY: ANDREW J. GOLDSTEIN, ESQ.

			LAND BANK			Petitioner(s)	AFFIDAVIT
	- against -					Plaintiff(s)	OF SERVICE
		TAYLO	R BABY, ET AL			Respondent(s)	
						Defendant(s)	INDEX# 07 CIV 6823
STATE OF: NE	W JERSEY - C	OUNTY OF: UNION	i ss:				07 C/4 0023
deponent served	the within; SUMM	ng duly swom depose 00PM_, at 2848 LINI IONS AND COMPLAI	DALE STREET WAR	ANTAGH NY RARREST			
[] Summ	ons, Spanish sum	mons & complaint, th	e language required	by NRCRR 2900.2	(e), (f) & (h) was set	forth on the face of	the summons(es)
On: EDWIN RYB	ACKI 7	Defendant [] Res	enondent [] Witner	re /harolasfter calle	d the registration there		
INDIVIDUAL					u ule recipient) mere	en nameg.	
A [] ARREST	By personally delivering to and leaving with said <u>EDWIN RYBACKI</u> and that he knew the person so served to be the person mention and described in said <u>SUMMONS AND COMPLAINT, WARRANT FOR</u>					NT, WARRANT FOR	
CORPORATION B []	By delivering to	and leaving with					Water Control of the
		w the person so serv	ed to be the SON			of the corporat	tion.
SUITABLE AGE PERSON C [X]	by delivering a	ade in the following m true copy thereof to a table age and discreti	nd leaving with MAF	RC RYBACKI		serve the defendant	in person:
• •	the said premis	es being the recipient	's [X] Dwelling/Usua	place of abode []	Actual place of busi	ness within the Stat	e of New York.
AFFIXING TO DOOR, ETC.	[X] Dwelling/Us	ue copy thereof to the ual place of abode []	Actual place of bus	ness within the Sta	te of New York Dan	onent had previous	y attempted to serve
n (1	Deponent spok	ed recipient on/at: e with ementioned address,			who stated to s	3 leponent that the sa	id recipient(s)
MAILING TO RESIDENCE	to recipient's las	of such delivery or aff st known residence at					ssed to recipient
E1 [] Use with C or D	within New York	said envelope in an of k State on <u>10/17/2007</u>	ficial repository unde	or the exclusive care	and custody of the	US Postal Service	
MAILING TO BUSINESS	to recipient's ac	of such delivery or aff tual place of business	iat				•
E2 [] Use with C or D	legend "Person:	eository under the excl al and Confidential" al orney or concerned al	nd did not indicate o	n the outside therec	of, by return address.	York State. The envi or otherwise, that th	elope bore the e communication
F [X]	DEPONENT ST DESCRIPTION	ATES THAT THE INI OF THE RECIPIENT	DEX # AND FILING OR OTHER PERSO	DATE WERE CLEA ON SERVED OR SE	ARLY VISIBLE ON TI POKEN TO ON BEH	HE SUMMONS. ALF OF THE RECIP	PIENT IS AS:
VOID WITHOUT DESCRIPTION Use with A,B,C,D	[X] Male [] Female	(X) White Skin [] Black Skin [] Yellow Skin [] Brown Skin	[X] Black Hair [] Brown Hair [] Blonde Hair [] Gray Hair	[] White Halr [] Balding [] Moustache [] Beard	[] 14 - 20 Yrs. [] 21 - 35 Yrs. [X] 36 - 50 Yrs. [] 51 - 65 Yrs.	[] Under 5' [] 5'0" - 5'3" [] 5'4" - 5'8" [X] 5'9" - 6'0"	[] Under 100 Lbs [] 100 - 130 Lbs. [] 131 - 160 Lbs. [X] 161 - 200 Lbs.
	Other Identifying	[] Red Skin] features:	[] Red Hair	[] Glasses	Over 65 Yrs.	[] Over 6'	Over 200 Lbs.
WITNESS FEE G []	Witness fee of \$ [] was paid (ter	io the authorizing trandered) to the recipien	veling expenses and t	one day's witness the witness with su	fee; bpoeла сору.		
MILITARY SERVICE [X]	capacity whatso	on spoken to whether ever and received a n the grounds of my bel	egative reply. <i>Defen</i>	dant wore civilian ci	othes and no military	or of the state of November uniform. The source	ew York in any e of my
Subscribed and S	worn to me this				J .	MALGORZA	TA SLADEK,
17	_ day of October	. 2	2007		was at the time o	f service a competer	nt adult
Notary Signature:	JANIRA SANDAGO VELEZ				not having a direct interest in the litigation. I declare under penalty of perjury that the foregoling is true and correct.		
		Y PUBLIC OF NEW J			Clock	C11 -	717/2 007
Name of Notary		nission Ex cites/Aissi?			Signature of Proc	ess Server Da	1/17/2007 Ite

どうかからし COURT OF THE S E/CITY OF NEW YORK SOUTHERN NY ATTORNEY: ANDREW J. GOLDSTEIN, ESQ.

> JANIRA SANTIAGO VELEZ NOTARY PUBLIC OF NEW JERSEY Commission Expires April 24, 2012

Name of Notary



LAKELAND BANK **AFFIDAVIT** Petitioner(s) - against -Plaintiff(s) OF SERVICE TAYLOR BABY, ET AL Respondent(s) Defendant(s) INDEX# 07 CIV 6823 STATE OF: NEW JERSEY - COUNTY OF: UNION ss: MALGORZATA SLADEK ,, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in That on date/time: 10/17/2007 08:00PM , at 2848 LINDALE STREET WANTAGH NY deponent served the within: SUMMONS AND COMPLAINT, WARRANT FOR ARREST [] Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es) On: MARC RYBACKI (Defendant [] Respondent [] Witness (hereinafter called the recipient) therein named. INDIVIDUAL By personally delivering to and leaving with said MARC RYBACKI [X] and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT, WARRANT FOR ARREST CORPORATION By delivering to and leaving with B [] at and that he knew the person so served to be the SELF of the corporation. SUITABLE Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person; By delivering a true copy thereof to and leaving with AGE PERSON [] a person of suitable age and discretion at the said premises being the recipient's [X] Dwelling/Usual place of abode [] Actual place of business within the State of New York. **AFFIXING TO** By affixing a true copy thereof to the door of said premises, the same being the recipient's [X] Dwelling/Usual place of abode [] Actual place of business within the State of New York. Deponent had previously attempted to serve DOOR, ETC. [] the above named recipient on/at; 1. 09/10/2007 07:40PM 3. Deponent spoke with who stated to deponent that the said recipient(s) lived at the aforementioned address, but did not know recipient's place of employment. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient **MAILING TO** RESIDENCE to recipient's last known residence at and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service E1 [] Use with C or D within New York State on 10/17/2007 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient **MAILING TO** BUSINESS to recipient's actual place of business at in an official repository under the exclusive care an custody of the US Postal Service within New York State. The envelope bore the E2 [] legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication Use with C or D was from an attorney or concerned an action against the recipient and mailed on 10/17/2007 DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS. [X] DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS: **VOID WITHOUT** [X] Male [X] White Skin [X] Black Hair [] White Halr [] 14 - 20 Yrs. [] Under 5' [] Under 100 Lbs. DESCRIPTION [] Female [] Black Skin Balding [] Brown Hair [121 - 35 Yrs. [] 5'0" - 5'3" [] 100 - 130 Lbs. Use with A,B,C,D] Yellow Skin Blonde Hair 1 Moustache [X] 36 - 50 Yrs. [] 5'4" - 5'8" 131 - 160 Lbs.] Brown Skin I Grav Hair Beard [] 51 - 65 Yrs. [X] 5'9" - 6'0" [X] 161 - 200 Lbs. [] Red Skin [] Red Hair [] Glasses Over 65 Yrs. [] Over 6' [] Over 200 Lbs. Other identifying features: WITNESS FEE Witness fee of \$0 the authorizing traveling expenses and one day's witness fee: [] was paid (tendered) to the recipient [] was mailed to the witness with subpoena copy. G [] MILITARY I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any capacity whatsoever and received a negative reply. Defendant wore civilian clothes and no military uniform. The source of my SERVICE [X]information and the grounds of my belief are the conversations and observations above narrated. Subscribed and Sworn to me this MALGORZATA SLADEK, was at the time of service a competent adult day of October not having a direct interest in the litigation. declare under penalty of perjury that the foregoing is true and correct. Notary Signature:

10/17/2007

Date

Signature of Process Server

ATTORNEYS AT LAW

100 MORRIS AVENUE

3rd FLOOR

SPRINGFIELD, NEW JERSEY 07081

WWW.GOLDISAAC.COM

October 30, 2007

Via Certified Mail and Regular Mail

Edwin Rybacki 3248 Lindale Street Wantagh, New York 11793

Re:

TEL: (973) 258-0500

FAX: (973) 258-0707

Lakeland Bank v. Edwin & Rita Rybacki, et als.

Civil Action No. 07-CIV-6823

Dear Mr. Rybacki:

The Summons with Complaint attached was served upon you or a member of your family by a process server on or about October 17, 2007. Your response is due on or before November 6, 2007.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ANDREW J. GOLDSTEIN

Complete items 1, 2, and 3. Also complete items 1, 1, and 3. Also	A. Signature X
11793	3. Service Type S-Certified Mail: Dispress Mail: D
Article Number	030 0007 1396 7654

ATTORNEYS AT LAW

100 MORRIS AVENUE

3rd FLOOR

SPRINGFIELD, NEW JERSEY 07081

WWW.GOLDISAAC.COM

October 30, 2007

Via Certified Mail and Regular Mail

Rita Rybacki 3248 Lindale Street Wantagh, New York 11793

Re:

TEL: (973) 258-0500

FAX: (973) 258-0707

Lakeland Bank v. Edwin & Rita Rybacki, et als.

Civil Action No. 07-CIV-6823

Dear Mrs. Rybacki:

The Summons with Complaint attached was served upon you or a member of your family by a process server on or about October 17, 2007. Your response is due on or before November 6, 2007.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ANDREW J. GOLDSTEIN

ENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON CELLERY
Complete items 1 , and 3; Also complete item. 4.8 restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailplece, or on the front if space permits.	A. Signature X. D. Agente El Addresses B. Repelved by (Briffled Narrie) C. Date of Deliver
Article Addressed to: 27ta Rybacki 3248 Cindale St.	If YES, enter delivery address below: EJ No.
Mintagh, NY 11793	3. Service Type M-Certified Matl
. Article Number (Transfer from service label) 7002 2	030 0007 1396 7647

ATTORNEYS AT LAW

TEL: (973) 258-0500

FAX: (973) 258-0707

100 MORRIS AVENUE 3rd FLOOR

SPRINGFIELD, NEW JERSEY 07081

WWW.GOLDISAAC.COM

October 30, 2007

Via Certified Mail and Regular Mail

Marc Rybacki 3248 Lindale Street Wantagh, New York 11793

> Re: Lakeland Bank v. Edwin & Rita Rybacki, et als. Civil Action No. 07-CIV-6823

Dear Mr. Rybacki:

The Summons with Complaint attached was served upon you or a member of your family by a process server on or about October 17, 2007. Your response is due on or before November 6, 2007.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

ANDREW J. GOLDSTEIN

